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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,908	04/27/2001	Fumito Takemoto	2091-0240P	8383

2292 7590 08/25/2005

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EXAMINER	
NGUYEN, LUONG TRUNG	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,908	TAKEMOTO, FUMITO	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) *16-24* is/are withdrawn from consideration.

5)☒ Claim(s) *25-27* is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *04/27/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, Claims 1-15, and 25-27 in the reply filed on 5/18/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 16-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/18/2005.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because the abstract uses the legal phraseology "means," which should be avoided. Correction is required. See MPEP § 608.01(b).

Claim Objections

6. Claims 8-14, 26 are objected to because of the following informalities:

Claim 8 (line 15), "profile" should be changed to --profiles--.

Claim 26 (lines 2-3), "the model color characteristic profile" should be changed to -- the model tone characteristic profile

Claims 9-14 are objected as being dependent on claim 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita (U. S. Application No. 2002/0140825) in view of Ichikawa (U. S. Patent No. 6,795,212).

Regarding claim 1, Terashita discloses an image processing method for obtaining processed image data by carrying out tone correction processing on image data obtained by a digital camera, the image processing method comprising the steps of:

carrying out pre-processing according to a model of the digital camera on the image data absorb model tone characteristic of the digital camera of the model by using a model tone characteristic profile of the digital camera (in the image processing means 4, the image processing is carried out on the image signal S, which is acquired by digital camera 1, under the image processing conditions (noted that image processing conditions include correction of gradation, correction of colors, which can read as tone correction, Page 1, section [0012]), which based on the camera kind information C (model tone characteristic profile of the digital camera), Figure 1, Page 4, Sections [0040] to [0043].

Terashita fails to specifically disclose obtaining the processed image data by carrying out automatic exposure control processing and/or automatic white balance processing followed by the tone correction processing on the image data on which the pre-processing has been carried Out (it is noted that Terashita discloses carrying out image processing conditions, which includes correction of gradation, correction of colors, which can read as tone correction, Page 1, section [0012] at the image processing means 4, but Terashita does not carry out automatic exposure control processing and/or automatic white balance processing at the image output means 5, which reproduces a printed image, Page 2, Section [0031]). However, Ichikawa teaches a printing method and apparatus, which includes parameter determining part 14 and automatic image correcting part 15 for automatic correcting exposure control processing and/or automatic white balance processing image data from digital camera 20 before printing data at the printing

engine 17 (Figure 1, Column 1, Lines 15-24, Column 4, Line 1 – Column 5, Line 53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Terashita by the teaching Ichikawa in order to provide a method that is able to steadily print a series of related images with color, gradation and gray balance being unchanged (Column 1, Lines 52-55).

Regarding claim 2, Terashita discloses wherein information indicating the model of the digital camera is added to the image data obtained by the digital camera (camera kind information C is appended to the digital image signal S, Figure 1, Page 2, Section [0030]).

Regarding claim 3, Terashita discloses wherein information indicating the model of the digital camera can be input manually (Page 2, Section [0016]).

Regarding claim 4, Terashita discloses wherein a default model tone characteristic profile is used in the case where information indicating the model of the digital camera is not available (Pages 3-4, Section [0038]).

Regarding claim 5, Terashita discloses wherein the image data obtained by the digital camera are compressed (noted that the digital image signal stored on IC card are compressed, Page 1, Section [0004]) and the pre-processing is carried out after the image data are decompressed (inherently included in image processing means 4, Figure 1).

Regarding claim 6, Terashita and Ichikawa fail to specifically disclose wherein the image data obtained by the digital camera can be received via a network. However, Official Notice is taken that it is well known in the art to transmit image obtained by a digital camera via a network in order to provide a method which has the capability of printing a remote data without carrying by a person to the printing shop.

Regarding claim 7, Terashita discloses wherein image data on which the tone correction processing is carried out are image data obtained by carrying out reduction processing on the image data obtained by the digital camera (Page 4, Sections [0041], [0042]).

Regarding claim 8, Terashita discloses an image processing apparatus for obtaining processed image data by carrying out tone correction processing on image data obtained by a digital camera, the image processing apparatus comprising:

storage means for storing model tone characteristic profiles corresponding to models of digital cameras (camera classification recording means 8, Figure 1, Page 3, Section [0038];

input means for inputting information indicating a model the digital camera that obtained the image data (input means 10, Figure 1, Page 4, Section [0040];

model tone characteristic absorption means for selecting one of the model tone characteristic profiles corresponding to the model of the digital camera from the storage means based on the information indicating the model of the digital camera input from the input means, and for carrying out pre-processing absorb a model tone characteristic of the digital camera

on the image data by using the model tone characteristic profile (in the image processing means 4, the image processing is carried out on the image signal S, which is acquired by digital camera 1, under the image processing conditions (noted that image processing conditions include correction of gradation, correction of colors, which can read as tone correction, Page 1, section [0012]), which based on the camera kind information C (model tone characteristic profile of the digital camera), Figure 1, Page 4, Sections [0040] to [0043].

Terashita fails to specifically disclose exposure and/or white balance correction means for carrying out automatic exposure control processing and/or automatic white balance processing on the image data on which the pre-processing has been carried out; and tone correction means for carrying out the tone correction processing on the image data obtained by the exposure and/or white balance correction means (it is noted that Terashita discloses carrying out image processing conditions, which includes correction of gradation, correction of colors, which can read as tone correction, Page 1, section [0012] at the image processing means 4, but Terashita does not carry out automatic exposure control processing and/or automatic white balance processing at the image output means 5, which reproduces a printed image, Page 2, Section [0031]). However, Ichikawa teaches a printing method and apparatus, which includes parameter determining part 14 and automatic image correcting part 15 for automatic correcting exposure control processing and/or automatic white balance processing image data from digital camera 20 before printing data at the print engine 17 (Figure 1, Column 1, Lines 15-24, Column 4, Line 1 – Column 5, Line 53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Terashita by the teaching

Ichikawa in order to provide a method that is able to steadily print a series of related images with color, gradation and gray balance being unchanged (Column 1, Lines 52-55).

Regarding claim 9, Terashita discloses wherein the information indicating the model of the digital camera is added to the image data obtained by the digital camera and the input means reads the information indicating the model of the digital camera added to the image data obtained by the digital camera (camera kind information C is appended to the digital image signal S, Figure 1, Page 2, Section [0030]).

Regarding claim 10, Terashita discloses wherein the input means enables manual input of the information indicating the model of the digital camera (Page 2, Section [0016]).

Regarding claim 11, Terashita discloses wherein storage means stores default model tone characteristic profile (Page 3, section [0038]), and the model tone characteristic absorption means carries out the pre-processing by using the default model tone characteristic profile in the case where the information indicating the model of the digital camera is not available (Pages 3-4, Section [0038]).

Regarding claim 12, Terashita discloses wherein the image data obtained by the digital camera are compressed (noted that the digital image signal stored on IC card are compressed, Page 1, Section [0004]) and the image processing apparatus further comprises decompression

means (inherently included in image processing means 4, Figure 1) for decompressing the image data for provision for the pre-processing.

Regarding claim 13, Terashita and Ichikawa fails to specifically disclose reception means for enabling reception of the image data obtained by the digital camera via a network. However, Official Notice is taken that it is well known in the art to receive image obtained by a digital camera via a network. Therefore, it would have been obvious ton include such reception means into the device of Terashita and Ichikawa in order to provide an apparatus which has the capability of printing a remote data without carrying by a person to the printing shop.

Regarding claim 14, Terashita discloses wherein image data on which the tone correction processing is carried out are image data obtained by carrying out reduction processing on the image data obtained by the digital camera (Page 4, Sections [0041], [0042]).

Regarding claim 15, claim 15 is considered equivalent to claim 1. Therefore, see Examiner's comments regarding claim 1.

Allowable Subject Matter

9. Claims 25-27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 25, the prior art of the record fails to show or fairly suggest a model color characteristic profile generation method comprising the steps of carrying out correction of

a model tone characteristic of the digital camera on the image data for setting the color correction parameters with reference to a model tone characteristic profile used for correcting model tone characteristic of the digital camera; and generating a model color characteristic profile by setting the color correction parameters for approximately correcting a model color characteristic of the digital camera represented in the image data for setting the color correction parameters on which the correction of the model tone characteristic has been carried out.

Claims 26-27 are allowable for the reason given in claim 25.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vogel (U. S. Patent No. 5,668,596) discloses digital image device optimized for color performance.

Terashita (U. S. Patent No. 6,850,272) discloses image processing method and system.

Sakaida (U. S. Patent No. 6,744,920) discloses method, apparatus and recording medium for processing image data to obtained color balance adjusted image data based on white balance adjusted image data.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
08/21/05

LUONG T. NGUYEN
PATENT EXAMINER